

FILED

MAR - 3 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIAIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAJAIME F. GUZMAN,
Plaintiff,
v.
COUNTY OF SAN MATEO and
CITY OF EAST PALO ALTO
POLICE DEPARTMENT,
Defendant.No. C 07-6294 WHA,
TO THE ABOVE ENTITLED
COURT AND TO THE
DISTRICT ATTORNEY
OF SAN MATEO COUNTY,
CALIFORNIA

Please take notice that on this day of February 28th
of 2008 I, (the plaintiff in the above entitled cause)
have moved in an action to discover in a meeting
with my court appointed defense counsel Michael J.
Hroziencik. In our meeting I discussed with defense
counsel their failure to comply with mandated
constitutional discovery both prosecution and defense
counsel.

Under the U.S Constitution, the prosecution is required
to turn over all exculpatory evidence and all evidence
relevant to guilt or punishment independently of any
demand. Due process requires the disclosure to the

1 defendant of "evidence favorable to an accused" that
 2 is "material either to guilt or to punishment." *Cf. Bagley v.
 3 Bagley* (1985) 473 US 667, 676, 87 L Ed 2d 481, 490,
 4 105 S Ct 3375; *Brady v Maryland* (1963) 373 US 83,
 5 87, 10 L Ed 2d 215, 83 S Ct 1194; see Penal Code 1054(e)
 6 (discovery required by United States Constitution must
 7 occur); *Izaza v Superior Court* (1991) 54 C3d 356,
 8 378, 285 CR 231. Evidence is "favorable" if it either
 9 helps the defendant or hurts the prosecution. *People v
 10 Coddington* (2000) 23 C4th 529, 589, 97 CR2d 528,
 11 overruled on other grounds in *Price v Superior Court*
 12 (2001) 25 C4th 1046, 1069, 108 CR2d 409.

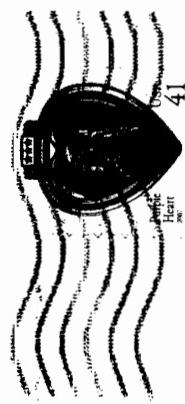
13 On my case defense mentioned he had made
 14 one specific request for discovery. If the
 15 exculpatory value of information in the prosecution's
 16 possession is not readily apparent, "disclosure is
 17 required only if the defense makes a specific request
 18 for it." *In re Steele* (2004) 32 C4th 682, 701,
 19 10 CR3d 536. Still, the request was made about one
 20 year prior to this notice! Case # 5F347601A, SC063118A.
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22 Date: 2/28/2008
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Respectfully Submitted,

Jaime F. Guzman

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29 FEB 2008 PM 9 L

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